P.P. 212-92

G. R. S. IX-5]

Previous references. 1889-90

192 .

(L.R.)

File No. 32-89

Serial Nos.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 16

In Part B for December 1892

SUBJECT.

Claim of Isub Alli Sha. Khadri of Attigundi Chickanagalaor Taluk to a certain Land in the Inam village of Dattadripet ——.

To.

The Deputy Commissioner, Kadur District.

No. 7391 Ds. 1. 12. 92. L.R. 32-89-2

P.P. 212-92.

Dismissing the Claim of the Petitioner, with re to certain land in the Inam village which in possession of the Respondents, vacating the and orders given to do to the Civil Court to fo claim settled ——.

by instructions

WD 22-3—GPB—20,000—11-6-20

Survey No. 82. Extent
3 acres - 18 guntas in
Dattatripik - Inam
Claimed by

Ispalli Sha Khadri
Appellant before Govt.

vs

Yedahalli Nadig Krishnappa
Respondt

The appellant states that
the land in dispute was
granted to him as Inam
by Syed alli Shah Khadri
brother of Gous Sha Khadri K.B.
that it was sold in Execution
of a Civil decree against
him in 1873 his own son
Khanavar alle purchasing
it that the lands in conse-
-quence virtually remains
in the appellant enjoyment
only. Khanavar Alli died about
2 years after the said
purchase leaving no heir;
that during the Survey
& 1885-89
settlement this land was
absorbed in that of the
Respondent in spite of the
his appellants protest

with

Re:

This is a case for a Civil Court.

15/8/92.

Appellant & Respondent.
The Measurer explained that from the Enquiries he made Hafizabibi and Sunar Sab from the former of whom the Appellant states that the land in dispute came to him, & from the latter the Respondent states he received it. were sister & brother & held jointly one garden which was mortgaged to Narig Surappa×, that Gowsha Khadri K.B. also stated that altho' the Appellant states that he purchased the ~~garden~~ Hafizabibi garden in a court sale it was always in the Enjoyment of the Narigs, & that in consequence he measured it in Sunar Sabi's name. The Appellant & the Respondent each states that the land in dispute is in his possession and Enjoyment.

× appellant's brother

Colonel Campbell the Hon Dy Commr & Mr Sparkes his Successor have both held that

this

documentary evidences
in his favor

The Respondent states
that the land in dispute
is the one mortgaged to
him by Sinnar Sabi (the
Respondent's father
Basalappa). The appellant, the
Respondent and 3 witnesses for the Appellant
were examined by the
Amildar. The appellant
failed to produce the
Court decree and the
Sale Certificate, while
the Respondent the
mortgage deed, each on
his part alleging that
these documents were
mis laid. The boundaries given in the documents produced
are as shown in the annexed
statement.

[illegible] the mortgage a deed [illegible]

The Appellant's witnesses point out
to two separate lands
as belonging to him in the
enjoyment of the

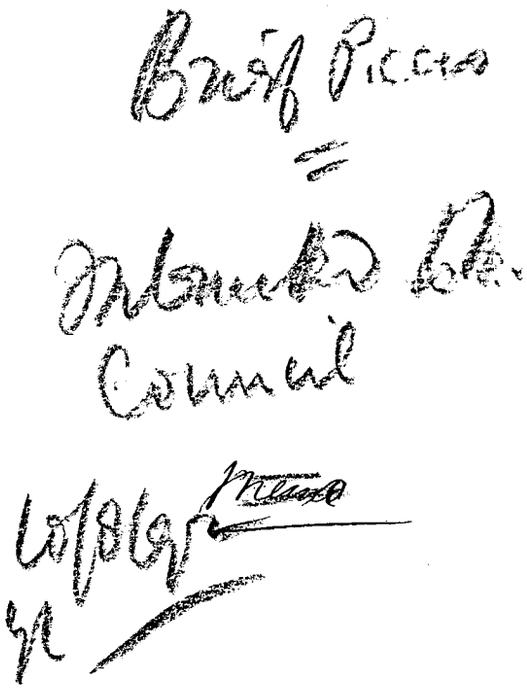
Appellant

Appellant Ispalli Shah ~~[illegible]~~ garden

Civil Court Appellant Sale list.	Description as given by Appellant	Shermah Sah	Malla	Saguna
E ... Pillalada tree in the Karimani Patté.	Pillalada tree, Kariman Patté, Barakorkalu.	Kenman patte Beli	Pillalada tree; Karimon patté Cota.	Appellant's adike Cota
W ... Nirhalla (water course)	Nirhalla (water course)	Pendalada tree, Nalla	Nalla	water course
N ... The spot where the Nalla & the Barkorkalu meet.	Nalla & Barkor Kalu	Barahalli & Korakalu	The spot where the Nalla & Barakorakalu meet.	Karimani Patté
S ... Road to Yeli adike Cola & fence.	Fence of Banawar Sudna Sabis Estate.	Banawar Sudan Sab's estate.	The Northern boundary of Banawar Sudan Sabi's Estate.	Appellant's garden — Hulvare.

Nadig Krishnappa's garden.

N. Krishnappa & his Papers of 1872.	Description as given by Malla	Saguna
E ... Fence by the side of Balagar Mari's garden (now held by Krishnappa)	Kariman Patté Salakah	Pillalada tree
W ... Fence of Mirsha Khadri's garden (now held by Krishnappa)	Hafisa Bi's Estate (one in dispute)	Barkorkalu & Nalla
N ... Fence by the side of Syedali Shah Kadri's garden (now held by Krishnappa No. 83).	malli tota	Nalla
S ... Hulvare (Kaiah)	waste	Fence



Pethions Nos 2082 & 3096

This is an Inam land — proceedings sent 18/12/92

Pethioner — Isafalli Sha Khadri of Attigundi, Chikka-magalur Taluk.

Case under Section 67 of the Land Revenue Code for change in the entry of the Registered occupants name.

The dispute is concerning Survey No 82, Coffee, Extent 3 acres and 18 guntas, assessment Rs 5/4, in the Inam village of Dattabetpet, Chikkamagalur Taluk

The settlement of the Coffee lands of the Inam village took place in 1888-89. The land in dispute is entered in the accounts as follows:-

"Jumer Sab's sister Hafizabibi, "Vahivatdar" - Nadig Krishtappa. assessment Rs 5/4. Absent - Raji"

In 1886 when measurement was going on, the Pethioner represented to the Deputy Commissioner (1) that Nadig Krishtappa was getting Bandhs

Received 17th November 1892
Sheristadar in the Secretariat
24/11/92

18/11/92
14/11/92

and stones put for Petitioner's garden called "Hafizabibi tôta," with the intention of including it in his estate and upon the plea that it was the garden mortgaged (to his brother) by Juner Sab (2) and that the garden mortgaged by Juner Sab was separately situated.

The Deputy Commissioner directed that measurement should be done in the presence of the parties and in accordance with actual enjoyment and other evidence that might be produced.

The measurer reported that :-

(1) from enquiry made he learnt that there was no separate garden by name "Hafizabibi tôta"; that Juner Sab and his sister Hafizabibi jointly held a garden which was mortgaged to Hadig ~~Gurappa~~ Soorappa (elder brother of Hadig ~~Krishtappa~~ Kristappa).

(2) Hazarath Ghous Sha Khadri (Khan Bahadur and Mokhtadar of Dattabetta) had stated that the garden in dispute had

and also requested that he might be put in possession of the property sold to him. An order was passed accordingly. No evidence is produced to shew that the purchaser or his father (Petitioner) was duly put in possession of the garden in question. The sale certificate is not produced. Petitioner states that it is mislaid. He has produced:

1. Sale list of 26-11-73 containing the boundaries of the property sold.
   Copy of order passed on application for sale certificate and possession.

The Deputy Commissioner reports that the garden in dispute has been in the actual possession and enjoyment of Nadig Krishtabba for several years and that the Petitioner should seek for remedy in the Civil Courts.

The

The Petitioner recently requested to be confronted with Krishnappa in the matter of the dispute, but when the latter was sent for, the former is reported to have failed to appear before the Amildar though served with a notice.

/

GL
10/8/92

(7)

OS No 2082
of 3096
of 1891-92

~~Petr~~ Appl

Sayad Ali Shah Khadri (Kadare) of Attigunde Chikkamagalur Dist

Resp'l

Nadi Drushtappa represented by Narasimhayya advocate

claims
Petitioner ~~claims~~ certain land in the Devan village of Attigunde Dakshinapit which are now in the possession of the ~~Petr~~ Resp'ts — The D'r Court referred them to the Civil Courts — No appeal is against that order. —

~~Petr~~ Appl who was heard in person against the Resp'l is ab

present in possession
of the lands — the
Revenue Dept cannot
therefore interfere in
the matter — the
suit
must go for trial —
the appeal is
dismissed —

18/11/92

Sd/-

Petr appears
that as Respt is not
in possession of the
lands claimed as
described by himself,
the Revenue Dept
cannot interfere in
the matter the
Plaint should
be returned
for trial

20/11

20/11

16

LR 32-89-1

(General Serial No. 32.)

2

189/92

No. 2082

Name of Petitioner. Sapalli Shékhabe

Village. Attigundi

Taluk. Chikmaglur

District. Kadur

Date of Arzi. 19.12.89

Date of Receipt. 29.12.89.

Date of Disposal.

No. of Enclosures. Three

Last order - "Petr should produce the sale certificate granted by the Court". (on Petn No 2082).

Petr states that the Cert: is mislaid. (vide Petn no: 3096 & 15.1.92 - Abstract put up.).

Submitted to the Council.

18/2/92

ABSTRACT.

Petr's son Kamaralli pu... chased, at a Civil Court ... coffee garden No 82 situate in the ... called "Gaddé Hara" at Da... tripet and obtained a cer... ficate. The said garden belonged to his (Petr's) mother Hafeezabeebee but before the sale, is still in his enjoyment. But as on the Survey Settlement the garden is entered in the names of Jia... Sabi's sister Hafeezabeebee Vyvattadar Nadig Krista, Petr brought the matter to the no... of the Amildar who granted h... Endorst No 1643 to the effect th...

19/2

ve Dy: Commrs order, the entry
remain intact till the settle-
nt of the case in a Civil Court.
e now prays that his name
be entered in the Patta instead
those aforementioned.

—o—

Amildar's Endorst No 1643 Dy 18/1/89.—
With reference to your Complaint
inst Garden S. No 82 being
ted in the name of Janer
bi's sister Rafuzabee and
Dy Krishnajee, you are
formed that, as per Dy: Cr
in No 1250 Dy 7.1.89, the settle-
nt should stand as it is till
case is decided in a
il Court.

—o—

MYSORE

No 2082

24-12-89

No. 20.

L.R. 32-89-2

(General Serial No. 32.)

1892.

(1)

No. 3096

Name of Petitioner. Isapalli Shakhad

Village. Devarayapet

Taluk. Chikamagalore

District. Kadur

Date of Arzi. 15-1-92.

Date of Receipt. 19-1-92

Date of Disposal.

No. of Enclosures.

Submitted to the Council with R 20-2082.

18/2/92

8/2/92

From Dy/Com for a brief report during his attendance to R.L. 67 & the Rev Order.

8/2/92

Replied 22/2/92

ABSTRACT.

Petitioner's son Kamar Ali purchased, at a Civil Court sale, a coffee garden situate in the Dattatripit (Attig village. The garden formerly belonged to Hafeeza beebee. Kamar Alli had obtained certificate. He died, and the Survey settlement the garden was entered in his Kristappa's name instead of mine. Petitioner was req in connection with his app to produce the certified certificate having been laid, a copy of the sale and a copy of the order cor ing the sale, have alread

produced. Hadig Kristappa 24
no right to the garden.
says that the garden
by be entered in his
time.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. N. 3096 R
DATE 19-1-92

22

ನಂ. 4

ಮಾನ್ಯರೇ,

ನಮ್ಮ ಮಾವನವರಾದ ಶ್ರೀಯುತ ಕೆ. ಸುಬ್ಬರಾಯರು ಬಿ.ಎ. ಅವರು ಕಳೆದ 1892 ನೇ ಇಸವಿ ಜನವರಿ 15 ನೇ ತಾರೀಖಿನಂದು ಸ್ವರ್ಗಸ್ಥರಾಗಿರುವುದು ತಮಗೆ ತಿಳಿದಿರುವ ವಿಷಯವಾಗಿರುತ್ತದೆ. ಅವರು ಸ್ವರ್ಗಸ್ಥರಾಗುವ ಸಮಯದಲ್ಲಿ ಅವರ ಕುಟುಂಬದಲ್ಲಿ ಅವರ ಧರ್ಮಪತ್ನಿಯವರಾದ ಶ್ರೀಮತಿ ಸುಬ್ಬಮ್ಮನವರು ಮತ್ತು ಅವರ ಮಕ್ಕಳಾದ ಶ್ರೀಮತಿ ಸೀತಮ್ಮನವರು, ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮಮ್ಮನವರು, ಶ್ರೀಮತಿ ಪಾರ್ವತಮ್ಮನವರು, ಶ್ರೀಮತಿ ಸರಸ್ವತಮ್ಮನವರು, ಶ್ರೀಮತಿ ಕಮಲಮ್ಮನವರು, ಶ್ರೀಮತಿ ಗೌರಮ್ಮನವರು, ಶ್ರೀಮತಿ ಸುಬ್ಬಮ್ಮನವರು, ಶ್ರೀಮತಿ ಜಯಮ್ಮನವರು, ಶ್ರೀಮತಿ ಕಾವೇರಮ್ಮನವರು, ಶ್ರೀಮತಿ ಸುಬ್ಬ

LA No. 79 Re. (5)

LA 32-89-3

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

Sundries issued 24/2/92

To the same No. 685 d/13/4/92

From the same No. 91 d/19/5/92

The accompanying Petition No. 2082 & 3096

dated 19th Dec. 89, 15th January 92 received at the

Dewan's Office from Sapali Shekhadar

residing in Attigundi

Chikkanayakan Taluk

are
~~is~~ forwarded, together with ~~its~~ theirs three

enclosures, to the Dy. Commr Kadur Dist. for submission of a brief report.

2 The Dy. Commr's attention is drawn to Rule 67 of the Rev. Rules.

By Order,

Drafted as per Commr's order

Chief Secretary.

BANGALORE,
18/2/1892.

26 Deputy Commissioner's Office,
Kadir District,

No 91
En: 3 records.

Dated Chitmagalir 19th/20th May 92.

(6)

From,

The Deputy Commissioner
Kadir District.

To, The Chief Secretary
to the Dewan of Mysore.

Sir,

In reply to your Memo No 79 dated 18th February 1892 and Reminder Docket No 685/2 of the 13th April last, regarding the Complaint of one Ispalli sha Khadr, I have the honor to submit the Vernacular Proceedings, as noted in the margin, to which is attached an English precis of the case with Colonel Campbell's orders thereon, referring the petitioner to the Civil Courts.

×
1. Ending with Chitmagalir Amildar's No 1664 dated 18th January 1889 containing a precis of the Case.

2. Ending with Chitmagalir Amildar's No 126 dated 12th May 1892.

The petitioners case is briefly stated in the English Precis. His prayer, now repeated, is that No. 82, area 3-18 acres, of Dattatripatt village, Chikmaglur Taluk, which is in the possession and enjoyment of one Yedahalli Nadig Krishnappa should be registered in his name in consideration of his being a legal heir to his deceased son Ramaralli, who had purchased the land in pursuance of a Civil Court Decree against the petitioner (purchaser's father).

On receipt of your Memo No. 79 of the 18th February 1892, orders were given to the Chikmaglur Amil to obtain from the petitioner any documents on which he establishes his right for registry of his name as Khatedar of No. 82 and to get the land identified by the petitioner,

now brings his claim, after so many years, without taking possession of the land which he says he has a Court Decree for.

The petitions received with the Memo under reply are herewith returned with their accompaniments.

I have the honor to be,

Sir,

Your most obedient Servant,

H H Parker

Deputy Commissioner,

Kadiri District.

Asst

E. R. Dr. 31 for all 1891-92
LR 3D

Before the Government of *His Highness* the Maharaja of Mysore.

(8)

Petn
~~Appeal~~ No. 2082 of
3096 of 1891-92.

Appellant.	Vs.	Respondent.
Isuf alli Shah Khadri of Attigundi, Chikkanagalur Taluk		Nadig Krishnappa represented by Mr Narasimha Iyengar, Advocate.

Decision. 20-11-92.

Petitioner claims certain land in the Inam village of Dattabipit which is now in the possession of the Respondent. The Deputy Commissioner referred him to the Civil Courts. The appeal is against this order.

2. Appellant who was heard in person admits that Respondent is at present in possession of the land. The Revenue Department cannot therefore interfere in the matter. He must go to Civil Court. The appeal is dismissed.

By order

257 mgr Redraft

7391 26 — 11 — 92 32

~~Pet F. 241-92~~ Pet F. 212-92 1 — 12 — 92

Copy to the Deputy Commr Kadur Dist.
with the Revr papers submitted with his
No. 91 of 19th May 92.

"By Order"

28/11

Chief Secy

S.V.

33.

2082-3096

30-11-92

No. 2082-3096-

LR 32-8-9-b

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
30 Novr 1892.

Respt. Hadig Krishnabha.

Endorsement granted to Ismf alli Shah Khadri of Attegundi Chikkanagalur Talukh
in reply to his Petition Registered No. 2082+3096 dated 19th Dec. 89 & 15th Jany 92.

Petitioner is informed that as Respondent is now in possession of the land claimed, as admitted by himself, the Revenue Deptt cannot interfere in the matter. He should seek redress in Civil Courts.

2 The enc: are returned.

"By Order,"

Redraft

for Chief Secy

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.